

Discipline

1205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for imposing disciplinary action for violation(s) of Department Rules and Regulations.

1205.2 POLICY

The Easton Police Department takes seriously misconduct violations by members of this Department and believes in administering fair and just disciplinary action for those sustained allegations.

1205.3 FORMS

Form 14 Record of Employee Conference
Form 24 Complaint Against Personnel
Form 30 Reprimand and Disciplinary Action Report
Form 46 Job Observation Record
Form 47 Confidential Memorandum
Form 175 Chain of Command Review

1205.4 PROGRESSIVE DISCIPLINE

1205.4.1 GENERAL PROCEDURES

Progressive discipline is intended to provide a process for supervisors to manage members in a manner that supports the Department's mission and values. This continuum provides a progressive approach to keep members focused and productive, while deterring unwanted behavior.

1205.4.2 PERFORMANCE APPRAISAL DOCUMENTATION

Performance Appraisal Documentation is a non-disciplinary measure.

Supervisors will:

- (a) Document member's work performance and behavior on a Form 46 - Job Observation Record.
- (b) Review performance appraisals with members to ensure the mission and values are supported.
- (c) Members are permitted to make comments on the Form 46 - Job Observation Record.

1205.4.3 PERSONNEL COUNSELING

Personnel counseling is a non-disciplinary measure.

Supervisors will:

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- (a) Document performance and provide guidance to correct behavior not supporting the Department's mission and values.
- (b) Use a Form 14 - Record of Employee Conference, to document counseling sessions.
- (c) Offer suggestions on how to achieve and support the mission and values.
- (d) Encourage the member to offer suggestions to improve their behavior and performance.

Personnel counseling procedures are outlined in Policy 1203.

1205.4.4 ALTERNATIVE DISCIPLINARY PROCESS (ADP)

ADP is a disciplinary measure.

Commanders may offer ADP and members have the option to accept or reject ADP.

Complainant or supervisory information alleging minor misconduct by a member not supporting the mission or values can be presented to the member without a formal investigation.

For ADP, a member agrees the minor misconduct occurred and wants to resolve the issue by immediately accepting the disciplinary action recommended by the Commander.

A member not accepting ADP must understand that an investigation will be conducted to determine if misconduct has occurred.

1205.4.5 SUMMARY PUNISHMENT

Summary punishment is a disciplinary measure.

Commanders may offer summary punishment when:

- (a) Facts which constitute the minor violations are not in dispute.
- (b) The offense is a minor violation of departmental rules and/or regulations.
- (c) The officer waives the right to a formal hearing provided for in LEOBR.
- (d) The officer accepts the punishment offered by his commander.
- (e) The proposed punishment does not exceed three days suspension without pay or a fine of \$150.00.

If a law enforcement officer is offered summary punishment in accordance with LEOBR and refuses:

- (a) The Chief may convene a hearing board of one or more members; and
- (b) The hearing board has only the authority to recommend the sanctions provided in this section for summary punishment.
- (c) If a single member hearing board is convened:
 - 1. The member need not be of the same rank as the law enforcement officer; but
 - 2. All other provisions of LEOBR apply.

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1205.4.6 HEARING BOARD

Behavior contrary to Department rules and regulations may be cause for administrative charges.

Officers are entitled to a hearing as provided by the LEOBR in Md. Code PS § 3-107.

1205.4.7 PROBATIONARY EMPLOYEES

Probationary officers are not entitled to LEOBR provisions, unless there is an allegation of brutality.

A probationary member's Commander will strive to correct inappropriate behavior through supervision. If disciplinary action is taken, Commanders shall:

- (a) Document the behavior on a Form 24 - Complaint Against Personnel.
- (b) Present the completed form to the member and have the member sign the form.
- (c) Select a penalty with concurrence of the member's immediate supervisor.
- (d) Ensure the case file is reviewed by the Deputy Chief of Police.

The Chief of Police shall have final disposition in all cases.

1205.5 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation resulting in a sustained allegation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments and recommended disciplinary action in writing. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1205.5.1 DISCIPLINARY ASSESSMENT CRITERIA (SEVEN POINTS OF LIGHT)

The Deputy Chief will assign either the member's supervisor or commander to complete a recommended disciplinary action using the disciplinary assessment criteria. When assessing discipline, supervisors/commanders will not focus on a single factor, but should consider other influential factors that may raise or lower the original category listed in the matrix to another level.

Supervisors/Commanders will use the following criteria in making a recommendation for disciplinary action:

- (a) Biographical information:
 1. Accused member's name, identification number and IA control number.
 2. Rank, level of responsibility and assignment.
 3. Years of service and length of current assignment.
- (b) Type of incident, injury severity and amount of damage.
- (c) Intent/motive:
 1. Accidental or intentional act.
 2. Other mitigating and/or aggravating factors.

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- (d) Reaction of the accused member (e.g., admission of error, feelings of guilt or remorse, level of cooperation, truthfulness, recognition of seriousness of act, etc..)
- (e) Impact on the department (e.g., values, morale, public image, credibility, monetary or other cost, etc..)
- (f) Employment history:
 - 1. As reflected in the two most recent performance evaluations.
 - 2. Review of the "Employee Disciplinary Action Record."
- (g) Additional information that the accused member's supervisor/commander feels is pertinent to the issue and recommended disciplinary action.

1205.5.2 COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

1205.5.3 DEPUTY CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any sustained personnel investigation, the Deputy Chief of Police shall review the recommendation and all accompanying materials. The Deputy Chief of Police may modify any recommendation. Once the Deputy Chief of Police is satisfied that no further investigation or action is required by staff, the investigation shall be forwarded to the Chief of Police.

1205.5.4 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice.

Before any discipline may be imposed, the Chief of Police shall ensure notice is given to a member covered by the LEOBR of the member's right to a hearing by a hearing board, the time and place of the hearing, the issues involved and the member's right to choose an alternate method of forming a hearing board (Md. Code § PS 3-107.)

1205.6 REPRIMAND AND DISCIPLINARY ACTION REPORT (FORM 30)

1205.6.1 FORM 30 PROCEDURES

Form 30 is prepared by the Deputy Chief upon completion of an investigation where allegations against a member have been sustained and disciplinary action is recommended or when ADP

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is offered to a member. Form 30 may also be reviewed by the Town's legal representative for appropriate charges.

Member's supervisor will:

- (a) Complete the Disciplinary Assessment Criteria format above on a Form 47.
- (b) Make a recommendation for disciplinary action, and in narrative form, justify the recommendation being made.
- (c) Forward the completed Disciplinary Assessment Criteria to the accused member's Division Commander.

Division Commander:

- (a) Will review the Disciplinary Assessment Criteria for completion.
- (b) May agree or disagree with the recommendation of punishment provided by the supervisor, and may increase or decrease the recommendation for punishment, justifying the same in writing on the Form 175, Chain of Command Review.
- (c) Will forward the completed Disciplinary Assessment Criteria and Chain of Command Review to the Deputy Chief.

Deputy Chief:

- (a) Will discuss the disciplinary recommendations with the Chief of Police.
- (b) Meets with and informs the accused member of the recommended disciplinary action and rights afforded through the LEOBR, if applicable.
- (c) If the accused member accepts the recommended punishment:
 - 1. Have the accused sign the Form 30 in section VI and section VII indicating acceptance of the approved disciplinary action.
 - 2. Signs Part VII of the Form 30, witnessing the acceptance of disciplinary action.
 - 3. Forwards the file to the Chief of Police for final review.
- (d) If the accused member declines to accept the recommended punishment:
 - 1. Have the accused sign the Form 30 in section VI and section VIII indicating non-acceptance of the approved disciplinary action and check the appropriate box indicating whether the facts are, or are not, in dispute.
 - 2. Signs Part VII and Part VIII of the Form 30, witnessing the members non-acceptance of the disciplinary action.
 - 3. Provides copies of the Form 30 to the accused member.
 - 4. Begins the process of preparing for a hearing board.

Accused Members:

- (a) Review the Form 30 and any attachments that are to be placed in his/her personnel file.
- (b) Decide whether or not to accept the approved disciplinary action.

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(c) Accepting disciplinary action:

1. Signs Part VI and VII of the Form 30, indicating he/she has read the form and accepts the recommended action.
2. Check the applicable statement to indicate if he/she plans to submit written comments for inclusion to the file.

(d) Not accepting disciplinary action:

1. Sign part VI and VIII of the Form 30, indicating non-acceptance of the recommended disciplinary action and initiating a request for a disciplinary hearing.
2. Provides the Deputy Chief with the name of the attorney representing him/her, along with the names of any and all witnesses to be summonsed, within 10 days of signing the Form 30.

Completion of Disciplinary Action:

- (a) The Deputy Chief completes Part IX of the Form 30, indicating the completion of the disciplinary action accepted by the accused member or that recommended by an Administrative Hearing Board.
- (b) Forwards the Form 30 series to the Chief of Police for review and final approval.
- (c) The Deputy Chief distributes the Form 30 series as indicated on the Form 30, along with the Administrative Hearing Board report and Chief's review, if applicable, after the Chief's approval.

1205.7 ALTERNATIVE DISCIPLINARY PROCEDURES (ADP)

1205.7.1 GENERAL

The Alternative Disciplinary Procedure provides an option to a member for minor violations, when the facts are not in dispute and the member accepts the recommended disciplinary action. Alleged violations must be serious enough to compel formal disciplinary action although minor in nature. A formal administrative investigation is not conducted.

The Commander of a member accused of a violation and the Deputy Chief must agree ADP is appropriate. A member accused of a violation must agree with the recommended penalty.

Departmental collisions and damage or loss of departmental equipment shall not be processed under the provisions of ADP as these incidents require a departmental investigation. These issues may however be processed in accordance with summary punishment or referral to a hearing board.

1205.7.2 PROCEDURES

Upon receipt of a complaint, which may be resolved through the ADP, the member's Commander will contact the Deputy Chief to discuss the:

- (a) Merits of the case.
- (b) Feasibility of offering ADP.

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- (c) Recommended discipline.

When an agreement is reached regarding the use of ADP and the recommended discipline, the member's Commander will:

- (a) Forward the Form 24, Complaint Against Personnel, to the Deputy Chief noting the agreed upon disciplinary recommendation on a Form 47, Confidential Memorandum.
- (b) Arrange a meeting with the member to discuss the allegation and the recommended discipline.

The member's Commander will ensure the employee understands and/or complies with the following:

- (a) Statements made by the member in the meeting with the Commander may not be used in any disciplinary investigation or proceedings against the member.
- (b) Acceptance of the recommended discipline only applies under ADP.
- (c) Additional investigations and disciplinary actions may result if other allegations or information comes to light.
- (d) The procedure will not excuse the employee from being interviewed at a later time to supply information pertaining to other members or additional allegations.
- (e) If the accused member accepts the recommended discipline, the Commander shall:
 - 1. Complete the Form 30, Acceptance of Disciplinary Action Report, in accordance with Administrative Order 5-10.
 - 2. Note on the Form 30 the sections for which the accused is being charged, and any support sections.
 - 3. Have the accused sign the Form 30 in section VI and section VII indicating acceptance of the approved disciplinary action.
 - 4. The Form 30 will be returned to the Deputy Chief for processing.
- (f) If the accused member does not accept the recommended discipline:
 - 1. The member will be ordered, in writing, not to discuss the case with anyone other than his counsel, Commander or the investigator.
 - 2. The Deputy Chief will be notified of the refusal to accept ADP.
 - 3. The alleged violation will be investigated.

1205.7.3 PENALTIES

Penalties under ADP will be consistent with the disciplinary matrix guidelines.

1205.8 SUMMARY PUNISHMENT

1205.8.1 GENERAL

Summary punishment is a disciplinary option available to Commanders for use when:

- (a) A member's violation of the Department's Rules, Regulations, Policies or Procedures is determined to be minor in nature, and

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- (b) The facts which constitute the minor violations are not disputed by the involved member.
- (c) The officer waives his right to a formal hearing provided for in LEOBR.
- (d) The officer accepts the punishment offered by his Commander.
- (e) The proposed punishment does not exceed three days suspension without pay or a fine of \$150.00.

1205.8.2 COMMANDERS

Will review completed investigations and may offer summary punishment when:

- (a) The offense is a minor violation of department rules and/or regulations, and
- (b) The facts which constitute the minor violations are not disputed by the involved member.

Will refer to the Disciplinary Matrix when assigning punishment.

Will meet with the member to determine whether the facts of the case are in dispute. If the facts of the case are NOT in dispute, summary punishment may be offered, and the Commander will:

- (a) Meet with and inform the accused member of the recommended disciplinary action and rights afforded through the LEOBR, if applicable.
- (b) Serve the Form 30, Reprimand and Disciplinary Action Report, on the member and have the accused sign the Form 30 in section VI and section VII indicating acceptance of the approved disciplinary action. The member will be allowed up to ten (10) working days to accept the recommended disciplinary action.
- (c) Sign Part VII of the Form 30, witnessing the acceptance of disciplinary action.
- (d) Provide a copy of the Form 30 to the accused member.
- (e) Return the Form 30 to the Deputy Chief for processing.

If the facts of the case are in dispute, then summary punishment shall not be offered and the case will be processed in accordance with the procedure for hearing boards.

1205.9 HEARING BY HEARING BOARD

If the Chief of Police recommends demotion, dismissal, transfer, loss of pay, reassignment, or similar punitive action against a member covered by the LEOBR, a hearing before the hearing board will be held before the action is taken. The hearing board shall be convened and conducted as provided in Md. Code PS § 3-107 and § 3-108.

Officers who have been charged according to this Article and are notified that an administrative hearing board will take place and they refuse to appear, resign, or otherwise fail to appear, the Administrative Hearing Board may proceed in his/her absence.

In general, no departmental hearing, except a suspension review hearing, shall be held on any charges that relate to conduct which is also subject of a criminal proceeding, until such time as all criminal charges are disposed of. However, the Department retains the discretion (non-grievable)

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to make an exception to the general rule if it determines that the morale, operation or best interests of the department would be adversely affected by the failure to hold a hearing.

At least 10 days before the hearing, the officer shall be notified of the charges against him/her. The officer also shall be provided with the name of each witness and a copy of the investigatory file, as well as any exculpatory information that relates to the officer and the charges specified. The officer and the officer's representative must execute a confidentiality agreement, Form 32D, Confidentiality Agreement, and pay reasonable costs associated with reproducing the materials (Md. Code PS § 3-104.)

1205.9.1 TYPE OF HEARING BOARD

- (a) The Deputy Chief of Police will coordinate and direct Departmental Administrative Hearing Boards.
- (b) The Deputy Chief of Police, with final approval from the Chief of Police, will:
 - 1. Appoint a three-member hearing board.
 - 2. Assign a hearing officer as chairperson who has not participated in the investigation or interrogation of the member.
 - 3. Assign the board members of a three member hearing board, none of whom will have participated in the investigation of the member who is the subject of the hearing.
 - 4. Assign at least one board member who is the same rank as the member who is subject of the hearing.
 - 5. Issue a special order to appoint a hearing board.
 - 6. Forward copies of the Special Order and Form 30 to the member's Commander, the Hearing Board Members and the member.

1205.9.2 ADMINISTRATIVE PROCEDURES PRIOR TO HEARING

- (a) Hearing Board Members may not review the case file and may only review the information contained in the Form 30.
- (b) The member is entitled to a copy of the investigative file, at no cost, not less than 10 days before the hearing date.
- (c) Identity of confidential sources and non-exculpatory information will be excluded from this case file.
- (d) The member will sign the Form 32D, Confidentiality Agreement, regarding use and disclosure of information from the case file.

1205.9.3 PRE-HEARING PROCEDURES

- (a) The Hearing Board Chairperson will:
 - 1. Contact the member's attorney or representative, the prosecutor and the board members to arrange a mutually convenient date for the hearing. The hearing date will not be scheduled before thirty days from the date that counsel for the

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accused received a copy of all charges and the internal investigation material, unless a shorter period is mutually agreed upon by counsel and the department.

2. Prepare a Form 32, Notification of Hearing.
 3. Prepare a Form 32C, Notification of Evidence/Document Receipt for the Prosecution and a Form 32D, Notification of Evidence/Document Receipt for the Defense, and forward these to the Deputy Chief of Police.
- (b) The Deputy Chief will serve the Form 32 on the member and return a signed copy to the Hearing Board Chairperson.
 - (c) The Hearing Board Chairperson will provide a copy of the Form 32 to the Prosecutor and Hearing Board Members.
 - (d) Members will give their counsel or representative a copy of the Form 32 and Form 32D.
 - (e) If either the Prosecutor or the member's counsel requires summonses or if evidence will be presented, they will return the Form 32C, or Form 32D, to the Hearing Board Chairperson not less than 10 days prior to the scheduled hearing date.
 - (f) Requests for postponements will be directed to the Hearing Board Chairperson and granted only for a good cause.
 - (g) Requests to amend charges will be directed to the Hearing Board Chairperson. An amended charge could result in a postponement of the hearing.
 - (h) If a penalty which differs from the matrix category is sought by the prosecutor, notice will be given to the member no less than 10 days prior to the hearing.
 - (i) A member may elect to waive all rights afforded by the LEOBR after the member is charged with violations of EPD regulations and accept the punishment offered by the Department.

1205.9.4 CONDUCTING THE HEARING BOARD

- (a) All hearings will be conducted under the direction of the Hearing Board Chairperson unless otherwise designated.
- (b) All weapons will be secured outside the hearing room.
- (c) Hearings will be recorded and a record maintained anytime the recording is stopped and restarted.
- (d) Written requests for open hearings will be considered by the Chief of Police.
- (e) All documents accepted into evidence will be marked for identification and retained as part of the record.
- (f) Motions and stipulations may be heard. The Chairperson may rule or recess the Board to discuss matters with the Board Members.
- (g) The Hearing Board Chairperson will administer oaths or affirmations and examine any individual under oath.
- (h) The Chairperson shall inquire if a copy of the charges and specifications to be heard have been received by the accused member.

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- (i) Each charge and specification shall be read, unless waived, and the accused shall enter a plea to each.
- (j) Brief opening statements, by the prosecutor and the defense counsel may be made.
- (k) The prosecutor will present its case in chief and bears the burden of proof.
- (l) The defense may, but is not required, to present its case.
- (m) Each party has a right to cross examine each witness who testifies for the other party. Redirect and re-cross examination is limited to matters covered in a preceding examination. The Board may question each witness.
- (n) Rebuttal evidence by both parties may be presented.
- (o) Closing arguments include:
 - 1. A summation presented by the prosecutor.
 - 2. A summation presented by the defense.
 - 3. A rebuttal may be presented by the prosecutor.
- (p) The Hearing Board Members will clear the hearing room to decide guilt or innocence on each charge.

1205.9.5 DECISION OF THE HEARING BOARD

- (a) A majority shall reach a verdict on each charge.
- (b) Guilty Verdict – A finding of guilt must be based on a preponderance of the evidence.
- (c) Not Guilty Verdict – A finding of not guilty on all charges concludes the hearing.
- (d) Dissenting Opinion – A board member may submit a written report outlining his objection to the verdict.

1205.9.6 NOTIFICATIONS OF FINDINGS

- (a) The Hearing Board Chairperson will reconvene the hearing. The exact time of the clearing and recalling of all parties shall be noted in the record.
- (b) The member will be advised of the Board's findings on each charge.
- (c) For a finding of "Not Guilty" on all charges, the Chairperson will announce the conclusion of the case and adjourn the hearing.
- (d) For a finding of "Guilty" on any charge, the Chairperson shall request recommendations for penalty from the Prosecutor and Defense. The member's personnel file and disciplinary record will be introduced at this time.
- (e) Either prosecution or defense may present testimony or other evidence in support of recommendations for penalty.
- (f) The Hearing Board will clear the hearing room for deliberation of penalty phase.

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1205.9.7 PENALTY DELIBERATIONS

- (a) If the penalty recommended by the board differs from the matrix category, the hearing board shall state the mitigating/aggravating factors considered in support of the penalty.
- (b) The member's personnel file and/or disciplinary record will be considered in the deliberation.
- (c) All evidence presented during the hearing, along with other personnel related material, must be considered during this phase.
- (d) The disciplinary recommendation can include one or more of the following: demotion, dismissal, transfer, loss of pay, fine, reassignment, remedial training or other punitive measures.
- (e) Remedial training is required on guilty findings concerning illegal discrimination or harassment incidents, except in cases of termination.
- (f) The Chairperson will cause another vote to be taken as to punishment. Voting will be finished when a majority is reached.

1205.9.8 NOTIFICATION OF PENALTY

- (a) The Hearing Board Chairperson will reconvene the hearing. The exact time of clearing and recalling of all parties will be noted in the record.
- (b) The Chairperson will notify all interested parties of the penalty for each charge and that the penalty will be recommended to the Chief of Police.
- (c) Should termination be the recommendation of the Hearing Board, the Chairperson will contact the Chief of Police immediately. The Deputy Chief of Police will then notify the following that the accused is immediately suspended with pay until the Chief of Police makes a final determination:
 - 1. The accused.
 - 2. The accused's Supervisor.
 - 3. The accused's Division Commander.

1205.9.9 HEARING BOARD REPORT

- (a) The Chairperson will explain the conclusions made by the Hearing Board in a concise written statement, supported by findings of fact.
- (b) The written report will be forwarded to the other Board Members for review and approval.
- (c) The final report will be submitted to the Chief of Police within thirty days of the conclusion of the hearing.
- (d) In the case of a split decision by the Hearing Board in the rendering of a guilty verdict, the reasons for the dissenting opinion will be noted in the report.
- (e) A copy of the report will be provided to the accused member or his/her defense counsel.

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1205.9.10 FINAL ORDER OF CHIEF OF POLICE

Within 30 days after receipt, the Chief of Police shall review the findings, conclusions, and recommendations of the hearing board, consider the member's past job performance and issue a final order.

1205.9.11 RECORD KEEPING

- (a) The Deputy Chief of Police will maintain the Hearing Board report, related documents and the tape recordings of the proceedings.
- (b) The prosecutor will return the case file to the Deputy Chief of Police.

1205.9.12 APPEAL PROCESS

A member may appeal the decision of the Chief of Police to the Circuit Court, pursuant to Maryland Rules and the Law Enforcement Officers' Bill of Rights. (Md. Code § PS 3-109.)

A secondary appeal to the Court of Special Appeals may be made by any party. (Md. Code § PS 3-109.)

1205.10 PRE-DISCIPLINE MEETING

Members not covered by the LEOBR will be given a pre-discipline meeting with the Chief of Police or authorized designee.

For members covered by the LEOBR, a pre-discipline hearing will be held if the Chief of Police intends to increase the discipline recommended by the hearing board. The Chief of Police may increase the hearing recommended discipline only after reviewing the entire hearing board record and providing in writing, at least 10 days before the meeting, any oral or written communication not included in the record of the hearing board on which the decision to consider increasing the discipline based. The meeting shall be recorded and the Chief of Police shall state on the record the evidence relied upon to support the increase of the recommended penalty. (Md. Code § PS 3-108)

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after a hearing board recommendation and prior to imposition of discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

1205.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

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Notice that a licensed member separated shall be sent to the Maryland Police Training and Standards Commission (MPTSC) within 30 days of member's change in employment status (COMAR 12.04.01.02.)

1205.12 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1205.13 CASE EXPUNGEMENT

The Expungement of complaints against department members, through the Deputy Chief shall be in accordance with the LEOBR. (Md. Code § PS 3-110.)

Requesting officers shall submit a Form 34, Internal Affairs Record Expungement Request, to the Deputy Chief requesting Expungement of eligible case records.

The Deputy Chief shall notify the requesting officer when eligible cases are expunged.